

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CIVIL ACTION FILE NO. 7:14-cv-00036-FL

RETIREMENT COMMITTEE OF DAK)
AMERICAS LLC, AS PLAN)
ADMINISTRATOR OF THE DAK)
AMERICAS LLC PENSION PLAN, AND)
TRANSAMERICA RETIREMENT)
SOLUTIONS CORPORATION,)
Plaintiffs)

v.)

DAVID W. ALLEN, MICHAEL LYNN)
BASS, JOSEPH ALEXANDER BELLAMY,)
MARK STEPHEN BREWER, JEROME)
BRYANT, HAROLD E. CORBETT,)
KELVIN L. GALLOWAY, WARREN)
ALBERT GARRISON, JAMES F.)
HOLLAND, WILLIAM LACEY NELSON,)
SIDNEY HUGH RHODES, JIMMIE RAY)
SELLERS, MENDELL W. SMITH,)
RODNEY B. SMITH, AND OTELLA)
IRENE WEBB,)
Defendants)

ORDER

THIS CAUSE COMING ON TO BE HEARD, and being heard, before the
undersigned United States District Court Judge presiding, upon Defendants Mark Stephen
Brewer, Harold E. Corbett, Warren Albert Garrison, James F. Holland, William Lacey Nelson,
Sidney Hughes Rhodes and Jimmie Ray Sellers' Motion to Determine Moot or to Stay Plaintiffs'
Motion to Dismiss.

After considering the aforementioned Motion of Defendants, the matters referenced therein, and having reviewed the record and Court file, the Court enters the following Order:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

Defendants Mark Stephen Brewer, Harold E. Corbett, Warren Albert Garrison, James F. Holland, William Lacey Nelson, Sidney Hughes Rhodes and Jimmie Ray Sellers' Motion to Determine Moot or to Stay Plaintiffs' Motion to Dismiss shall be, and the same is hereby, GRANTED and Plaintiffs' Motion to Dismiss for Failure to State a Claim shall be deemed moot, and Defendants Mark Stephen Brewer, Harold E. Corbett, Warren Albert Garrison, James F. Holland, William Lacey Nelson, Sidney Hughes Rhodes and Jimmie Ray Sellers shall not be required to file a responsive memorandum. The clerk is directed to terminate the motion to dismiss (DE 72).

SO ORDERED and signed this the 18th day of July, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first name "Louise" is written with a large, ornate capital "L". The middle initial "W." is written in a smaller, simpler script. The last name "Flanagan" is written in a cursive script with a large capital "F".

Louise W. Flanagan
United States District Court Judge Presiding